

201 KAR 11:215. License recognition; application requirements.

RELATES TO: KRS 324.141, 324.281(5), (7)

STATUTORY AUTHORITY: KRS 324.281(5), 324.282, 324.141(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.281(5) and 324.282 authorize the Commission to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS Chapter 324. In addition, KRS 324.141(1) authorizes the commission to promulgate administrative regulations to establish license-recognition procedures that allow out-of-state actively-licensed sales associates and brokers to apply for a Kentucky license that is the same as, or equivalent to, their out-of-state license. This administrative regulation establishes license-recognition procedures to replace former reciprocal licensing.

Section 1. Definitions. (1) "License recognition" means a licensing process that:

(a) Replaces reciprocal agreements; and

(b) May be used to obtain a Kentucky license by an individual who holds an active and unrestricted out-of-state sales associate's or broker's license, or the equivalent of either.

(2) "Unrestricted license" means a license that is not under any order of limitation or discipline by another jurisdiction's regulatory body.

Section 2. (1) An individual who is actively engaged, outside Kentucky, in real estate brokerage activities as a sales associate or broker, or the equivalent of either, may apply for a Kentucky license that is the same as, or equivalent to, the individual's out-of-state license, if the individual's out-of-state license is active and unrestricted.

(2) To obtain a license by recognition, an individual shall:

(a) File with the commission a criminal background check in accordance with KRS 324.045(5)(a) and (b) and 201 KAR 11:430;

(b) File with the commission a certification of licensure issued by the regulatory authority of each state in which the individual has, at any time, held a real estate license, in accordance with KRS 324.141(2);

(c) Pass the state law portion of the licensing examination for either a sales associate's license or a broker's license, whichever is applicable and is the equivalent of the individual's active out-of-state license when filing his or her application with the commission; and

(d) Apply for a Kentucky license within sixty (60) days of completion of the licensing examination. An applicant who fails to apply for a Kentucky license within the sixty (60) day period shall retake the examination.

Section 3. A licensee who has obtained a Kentucky license by recognition shall comply with the provisions of KRS Chapter 324 and 201 KAR Chapter 11. (36 Ky.R. 485; Am. 1013; eff. 12-4-2009.)